

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES KESTER,

Plaintiff,

v.

KOKOR, et al.

Defendants.

No. 2:20-cv-01516-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT

(Doc. Nos. 44, 63)

Plaintiff James Kester is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 3, 2023, the assigned magistrate judge issued findings and recommendations, recommending that defendant Kokor's motion for summary judgment (Doc. No. 44) be granted. (Doc. No. 63.) Specifically, the magistrate judge concluded that, even assuming that plaintiff had properly administratively exhausted his sole remaining claim, the undisputed evidence before the court on summary judgment established that defendant Kokor was not deliberately indifferent to plaintiff's serious medical need. (*Id.* at 10–14.) Accordingly, the magistrate judge recommended that defendant Kokor's motion for summary judgment in his favor be granted. (*Id.* at 14.) The findings and recommendations were served on all parties and contained notice that any objections thereto were to be filed within twenty-one (21) days of service. (*Id.* at 15.)

1 Plaintiff has not filed any objections to the pending findings and recommendations, and the time
2 to do so has now passed.

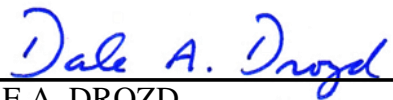
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
4 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
5 court finds the findings and recommendations to be supported by the record and proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on August 3, 2023 (Doc. No. 63) are
8 adopted in full;
- 9 2. Defendant Kokor's motion for summary judgment (Doc. No. 44) is granted; and
- 10 3. The Clerk of the Court is directed to enter judgment in favor of defendant Kokor
11 and close this case.

12 IT IS SO ORDERED.

13 Dated: September 8, 2023

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DALE A. DROZD
15 UNITED STATES DISTRICT JUDGE
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